

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOISES GOMEZ-GASCA,

Plaintiff,

vs.

FUTURE AG MANAGEMENT, INC., ET AL.,

Defendants.

CASE NO. 19-cv-02359-YGR

**ORDER GRANTING IN PART AND DENYING
IN PART MOTION TO STRIKE**

Re: Dkt. No. 25

On September 17, 2019, the Court heard oral argument on plaintiff's motion to strike defenses and deem facts admitted and/or strike defendant's answer in part, which was fully briefed. (Dkt. Nos. 25, 30, 31.) As stated on the record, and confirmed herein, having carefully considered the briefing and arguments submitted in this matter, the Court **ORDERS** as follows:

1. Paragraphs 19-22 and 89-90 of defendant Camarillo Berry Farms, LLC's ("Camarillo") answer (Dkt. No. 15) are **STRICKEN**.
2. Plaintiff's motion to strike is **DENIED** with respect to Camarillo's fourth, nineteenth, and twentieth affirmative defenses.
3. Camarillo's eighth and eleventh affirmative defenses set are **STRICKEN**.
4. Plaintiff's motion to strike is **DENIED** with respect to Camarillo's seventeenth affirmative defense insofar as it applies to plaintiff's federal claims. To the extent the seventeenth affirmative defense applies to plaintiff's state law claims, it is **STRICKEN**.
5. Plaintiff's motion to strike is **DENIED** with respect to Camarillo's eighteenth affirmative defense insofar as it applies to plaintiff's Fair Labor Standards Act claim. To the extent the eighteenth affirmative defense applies to plaintiff's claims brought under the California Labor Code and California Business and Professions Code section 17200 *et seq.*, it is **STRICKEN**.

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Plaintiff shall file an amended complaint no later than **October 10, 2019**. Camarillo shall file its answer, which must incorporate the Court’s order as stated herein, no later than **October 18, 2019**.

This Order terminates Dkt. No. 25.

IT IS SO ORDERED.

Dated: September 19, 2019



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE